

REMARKS

This is a full and timely response to the non-final Office action mailed August 1, 2007. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1, 2, 4, 5, 7, 9-14, 16, 18-20, and 25 are pending in this application, with Claims 1, 11, 20, and 25 being the independent claims. No claims have been amended or canceled herein. No new matter has been added.

Rejections Under 35 U.S.C. § 102

Claims 1, 20, and 25 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 3,177,711 (Ham et al.). This rejection is respectfully traversed.

Independent Claims 1, 11, 20, and 25 each recite, *inter alia*, an oscillator circuit and an FM demodulator, and that the oscillator circuit is operable to generate and supply a sensor signal having a frequency that varies based on the resonant frequency of a parallel-resonant LC tank circuit, whereby the sensor signal is a frequency modulated sensor signal.

As Applicant previously pointed out, Ham et al. relates to an apparatus and method for determining flow through a turbine flowmeter, and discloses a pickup winding (20) electrically coupled in parallel with a capacitor (44) to provide tuning with resonance either when a flowmeter vane (8) is adjacent to or remote from the pickup winding (20). Ham et al. further discloses that the winding (20) and capacitor (44) provide a highly variable reactance in the feedback connection to the tap of a coil (26), which forms an LC oscillator tank circuit with another capacitor (30). As a result, “the magnitude of the [oscillator’s] oscillations is modulated at a frequency directly proportional to the frequency of passage of the vanes 8 past the pickup unit.” See col. 3, ll. 54-56.

Applicant thus once again reiterates that Ham et al. teaches measuring the frequency of amplitude modulation, and not the amplitude of frequency modulation. More specifically, the circuit disclosed in Ham et al. responds to the passage of the turbine vanes (8) by generating an amplitude signal that is modulated at the frequency of

turbine blade passage. This is not the same as generating and detecting a frequency modulated signal, as is recited in each of the independent claims of the instant application.

The Office action appears to indicate that the rather significant point noted in the previous paragraph may be ignored because, allegedly, “this feature is not claimed.” See Office action at pg. 2. Yet, Applicant submits that this feature is explicitly claimed. In particular, the independent claims each recite an FM demodulator and that is responsive to a frequency modulated sensor signal, “to supply a proximity signal having an amplitude that varies with, and is representative of, the proximity of each of the turbine blades to the non-rotating turbine component.” Hence, the FM demodulator does indeed measure the amplitude of frequency modulation.

The Office action further alleges that it is a property of the device disclosed in Ham et al. to generate and detect an FM signal, despite the previously-noted explicit teachings therein to the contrary. This allegation is merely conclusory in that it is not based on any facts or evidence that can be drawn from Ham et al. Applicant submits that this is why the Office action relies solely on Applicant’s own disclosure to support this conclusion. The Office action further points to the following statement in Ham et al. as a teaching of an FM demodulator: “the operation may be looked upon as involving the modulation of a high frequency carrier, with demodulation effected by the class C operation of the oscillator transistor.” Such an interpretation of this statement is, however, misplaced. Again, all this statement indicates is that Ham et al. does indeed disclose modulation and demodulation. However, nowhere does this statement, or any other statement in Ham et al. for that matter, disclose or even remotely suggest an FM demodulator that is “operable, in response [to a frequency modulated sensor signal], to supply a proximity signal having an amplitude that varies with, and is representative of, the proximity of each of the turbine blades to the non-rotating turbine component.”

In view of the foregoing, Applicant requests reconsideration and withdrawal of the § 102 rejections.

Rejections Under 35 U.S.C. § 103

Claim 2 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al. and U.S. Patent No. 4,644,270 (Oates et al.), Claim was variously rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al., and U.S. Patent Nos. 6,658, 216 (Iida et al.); Claim 5 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al. and U.S. Patent No. 5,497,147 (Arms et al.); Claim 7 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al. and U.S. Patent No. 5,854,553 (Barclay); Claim 9 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al. and British Patent No. 2,167,603 (Wilkinson); Claim 10 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al. and U.S. Patent No. 6,486,657 (Schroeder); Claims 11 and 12 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al. and U.S. Patent No. 4,842,477 (Stowell); Claim 13 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al., Stowell, and U.S. Patent No. 4,230,436 (Davison); Claim 14 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al., Stowell, and Oates et al.; Claim 16 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al., Stowell, and Barclay; Claim 18 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al., Stowell, and Wilkinson; and Claim 19 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ham et al., Stowell, and Schroeder. These rejections are respectfully traversed.

As was noted above, Ham et al. fails to disclose, or even remotely suggest, an oscillator that generates a variable frequency signal that is the resonant frequency of a parallel-resonant LC tank circuit formed by the sensor coil and one or more capacitance elements, nor an FM demodulator.

Oates et al. relates to a proximity sensor system and method for turbine blades and, as is pointed out in the Office action, discloses an oscillator circuit (80) for supplying a signal to a proximity sensor (S1). More specifically, Oates et al. discloses that the oscillator (80) supplies a fixed-frequency (e.g., 1 MHz) signal to the sensor (S1) via a buffer amplifier (82), a trifilar wound transformer (T1), and a three-conductor

shielded cable (88) (col. 4, ll. 49-58; FIG. 5). As is clear from the description and corresponding illustrations, the oscillator (80) generates and supplies a **fixed-frequency** signal, and does not generate and supply a variable frequency signal having a frequency that varies based on the proximity of the sensor coil to the turbine blades, let alone an oscillator that generates a variable frequency signal that is the resonant frequency of a parallel-resonant LC tank circuit formed by the sensor coil and one or more capacitance elements, or an FM demodulator, as is now recited in each of independent Claims 1, 11, 20, and 25.

Moreover, none of the other cited references, namely Iida et al., Arms et al., Schroeder, Wilkinson, Stowell, and Davison disclose or suggest at least the above-noted feature of independent Claims 1, 11, 20, and 25. As such, none of the claims that depend therefrom are either anticipated or rendered obvious.

In view of the foregoing, Applicant requests reconsideration and withdrawal of the § 103 rejections.

Conclusion

Based on the above, independent Claims 1, 11, 20, and 25 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Appl. No. 10/696,215
Amdt. Dated October 30, 2007
Reply to Office Action of August 1, 2007

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

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